

WRIT DENIED.

Important Decision Handed Down By the Supreme Court.

The Supreme Court yesterday handed down a decision in the habeas corpus case brought by Frank P. Kelly in behalf of H. Osuna who is held in the county jail at Hawthorne to await the action of the grand jury upon the charge of rape alleged to have been committed upon one Harriett Averill on the 3d day of October last.

The defendant's release was sought upon the ground that there was no legal proof of the commission of the crime nor any competent evidence tending to show that the defendant was guilty of any public offense excepting certain admissions made by the defendant and that as a matter of law the defendant could not be held to answer upon his own admission without any other proof of the corpus delicti, or body of the crime.

At the hearing of the defendant before the justice of the peace the complaining witness was absent and the justice admitted in evidence certain written statements made by the complainant on the day following the commission of the offense and signed by her in the presence of witnesses in which she detailed or purported to detail the facts of the crime.

The court held that the admission of this statement was error; that it was hearsay and no part of the res geste.

Counsel for petitioner took the position that with this testimony excluded there was no competent proof remaining of the corpus delicti. The court held that there was no other proof tending to show that an offense had been committed, which, together with the admission of the defendant, was sufficient to hold him to answer.

The court also held that in order to hold a defendant to answer before a grand jury, the magistrate was not required to have evidence sufficient to convict before a trial court; that it was sufficient if the proof reasonably showed that a crime had been committed and that the defendant was guilty thereof.

The court denied the writ asked for and Osuna will be held awaiting the action of the grand jury.

TONIGHT'S PLAY.

A Pretty Melodrama With an Excellent Record.

Alma Hearn is always successful in whatever part she undertakes but she never had a better character to create than Marty, of "Dad's only girl", in her new play for this season Honest Hearts. It is a rare combination of the romantic, the humorous, the tomboy and true woman which, probably no comedienne but Miss Hearn could master. She has excellent support and a complete equipment of the picturesque scenery called for in this Kentucky romance.

The pile driver scene, the old Kentucky home scene and other picturesque stage settings taken from life in Honest Hearts which will be played to-night one of Klimt and Gazzolo's extraordinary completeness and interest. A Kentucky romance is woven around "Dad's only girl" Marty, and there are many quaint and humorous characters which Miss Hearn's strong supporting company brings out vividly. Marty is the greatest character Miss Hearn ever created.

For Christmas.

Nothing could be better for any member of the family than a pair of slippers such as are shown by Ed Burlington. They are made to fit any member of the family from the infant up. Also a splendid selection of the finest shoes that are manufactured. The presents are useful and money well expended. Ask the prices they are in keeping with the times.

Big Teams Arrive.

Yesterday afternoon two big teams of the Cain Company of Bodie arrived in this city. They brought in some ore from Masonic and other freight. The teams will load with giant powder today as there is a carload of the explosive at the depot awaiting transportation. Considerable freight is to be forwarded to Aurora, where work is progressing very favorably.

Mail Service Change.

A general order has been issued by the railway mail service extending the run of the mail clerks from Reno to Goldfield instead of Tonopah, increasing the run 28.24 miles, making the whole distance 271.73 miles. This line will be known as the Reno and Goldfield R. P. O.

Our stock of holiday goods are the finest to be had. Prices reasonable. Davey & Malish.

THE HOLMES MINE.

Valuable Property is Again Before the Court.

After many vicissitudes the old Holmes mine of Candelaria has been dragged into court on foreclosure proceedings of a mortgage lien for \$127,000. This property in that flourishing Nevada camp at one time was a great bullion producer and paid out millions of dollars in dividends. The tailings on its dumps today would return thousands upon thousands could they be worked. Many experts have tried to do so but have failed. The mine itself is rich in ore today, but unfortunately it is silver, and expenses of handling ores of that kind are too heavy now to permit the Holmes being worked at a profit. It does not seem possible that the present owners of the Holmes, a London corporation, will let the mine go for such a beggarly sum as that mentioned. The fates seem to be sadly against Candelaria which has seen a lively day when the Holmes, Northern Belle, Mt. Diablo and other mines in the vicinity were at work. The new mines at Tonopah, in a mountain range rising in the far distance across the lava strewn plains are now the attraction, and with their rise has come the passing of Candelaria.—S. F. News Letter.

Special Announcement.

The Carson Stationery and Novelty Company will make a special feature of the holiday trade. New goods are coming in every day. We are now receiving Haviland China, exquisite Japanese Tea Sets, artistic Teo Pottery, Manicure Sets, Toilet Sets, Dolls of all kinds, fine cutlery, Mechanical toys, Stationery of all kinds school books, school supplies and school furniture, and all the latest music of the day. Our store is opposite the postoffice. Call and examine our goods. Your are welcome.

A Record Breaking Edition.

Last Sunday's Los Angeles Examiner gets a new highwater mark in the newspaper world. The edition consisted of 160 pages and carried 650 columns or nearly 94 pages of paid advertising. Three newspaper plants were required to print the monster paper, which issued on the second anniversary of its birth. Two years ago the International Typographical Union, in convention assembled, requested W. R. Hearst to establish a paper in Los Angeles in opposition to the Times the organ of the Citizens' Alliance and avowed foe of organized labor. From the start the success of the paper was phenomenal. It was a great factor in the improving of labor conditions in the southern metropolis and union men everywhere rejoice in the unparalleled growth of the lusty young giant.

Home From Chicago.

Miss Flora Hall, who has been spending several months in Chicago and cities in the Middle West, has returned to her home in this city. She reports a most enjoyable visit and "the time of her life", but Nevada looks good and Christmas at home is the proper caper.

Con Ahern passed through to his home in Virginia City, yesterday.

SMELTS ORE ON NEW LINES.

Milwaukee Metallurgist Uses Oil and Requires no Flux.

Judge Halverson of Boise, Ida., is exhibiting at his office a piece of metallic copper that was produced under an entirely new method of smelting, and is the result of five years' experiment by an expert metallurgist of Milwaukee.

The expert is a stockholder of the Western Surety and Trust Company, which owns the Rambler copper mine, at Grand Encampment, Wyo. While attending a meeting of the company and examining reports from the mine, he came to the conclusion that there was too great an expense being incurred in the way of smelting charges. He had two cars of the crude ore shipped to Milwaukee, and commenced work experimenting on a new theory of smelting minerals.

Recently his efforts have met with marked success. He used crude oil for fuel in place of coke and charcoal, and from the crude ore, without the addition of either fluxing material or silica for slag, he obtained from the first heat a copper product ready for the refinery.

The last experiment was made in the presence of a committee, which pronounced the system a perfect success. Not only can the metal values be obtained from the crude ore as it comes from the mine without the necessity of making a mixture containing the fluxing elements, the furnace being readily adjusted to the treatment of any grade or class of ore, the operating expense is less than one-half that of the old style of smelting where fuel is abundant.

The company is planning to erect ten of the new furnaces at its Wyoming properties and in Arizona, where it owns a number of low-grade copper mines.

The inventor of the process is getting matters in shape to build smelters in every part of the country where mining is handicapped by a lack of transportation facilities. Oil for fuel can be piped into districts where it will be impossible to get railroads, and the crude ore reduced to bullion at an expense that will enable the low grade mines to be operated at a profit. While the experiments have been carried on with copper, the inventor states that he can treat any other metal-bearing quartz with the same facility and at the same low cost of operation.

A Christmas Suggestion.

If the father of the family wishes to make all hands happy on Christmas day he can do so by calling at Charley Friends. He is agent for the celebrated Columbia Graphophone, the finest talking machine made. He can quote some close prices and the records that he carries are the best in the city. Stop in and ask his prices. The machine makes the finest holiday gift in the calendar as it delights the entire family.

George Cowing has returned from a business trip to Reno.

We are selling three pounds of mixed nuts for 50 cents, all fresh and the best. Davey & Malish.

HELD FOR MURDER.

Elko County Man Arrested for Alleged Killing of Saloonkeeper Henry.

ELKO, Nevada, December 19.—Peter Scott, a resident of Elko county has been arrested for the murder of saloonkeeper Henry at Fort Halleck on December 2d. He was taken into custody Sunday and is held at the Elko jail pending an investigation. Scott is a well-known citizen of the county and many people doubt his guilt in the matter. He has made the following statement.

"I was in Henry's saloon in the afternoon. I left there shortly after 3 o'clock with my son, John McNamara and another fellow they call 'Mickey.' We rode to my ranch about two miles distant and reached there about an hour after sunset. My son and I did up the chores, had supper and read until between the hours of 8 and 9 o'clock, when we retired. I went to bed first. The first I knew of the crime was the next day when I rode over to Mr. Henry's a little before noon.

"I have lived in Elko county for twenty-eight years and I think my reputation is that of a good citizen. I have never before been arrested and for my family's sake, as well as my own, greatly deplore the fact that I am suspected of being connected with this crime."

So spoke Peter Scott at the county jail yesterday when asked if he was guilty of the murder of Mr. Henry at Fort Halleck on December 2d. Scott tells his story in a straightforward manner and many believe he is entirely innocent of the crime charged. Since the murder District Attorney Williams and the Sheriff's office have been following every clew connected with the murder and Sunday had gathered enough evidence together to warrant them arresting Scott.

They refuse to give any information. Governor Sparks offered \$500 reward for the arrest and conviction of the murderer of Henry.

A REMARKABLE PLAY.

"Way Down East" Shows Some Exceptional Attractions.

The longevity of "Way Down East" is an undisputed evidence of its superior merit, and this—the ninth season of its road success has been attended by the usual large audiences.

It began its present season in New York City at the Academy of Music, where it remained for ten weeks, playing to an aggregate of over \$100,000. Considering this is the 9th season of its life, and the 800th to 850th performance in New York City alone, the hold it has upon the public is truly remarkable.

The fact that it appeals to no limited class, but to all alike, gives it a universal audience.

Interspersed with the strongest portion of the play there is a comedy side which brings out the characters of a New England village. The play furnishes scenes depicting life near a country town. There is first the farmer's yard with the expanse of meadow and grazing land beyond the road; a great barn in which is stored the food for the cattle, sheep, and horses.

The second act discloses the sitting room in the farm house, with its hearth and its comfortable easy chairs. In the third act the snow storm is shown. The scene is laid in the interior of the kitchen, and supper is nearly ready. Outside the snow whirls and flies in exact imitation of nature's convulsions, while the red glow of the stove, the bustle of preparation of the meal, the coming of visitors makes the scene breathe warmth and pleasure.

The fourth and last act shows a typical maple sugar camp in a New England forest in winter time. These scenes give opportunity for pretentious scenic effect, and they have been taken advantage of to the limit of stage craft. The snow storm especially is the most realistic ever produced.

Killed by a Train.

RENO, Dec. 19.—Guido Corecco, an inmate of the Nevada Insane Asylum was run over by a fast train yesterday afternoon and almost instantly killed. His body was horribly mangled.

The deceased had charge of the dairy herd at the asylum and was in pursuit of his duties as he was walking along the railroad track between Reno and Sparks. A train approached on the track on which he was walking and he stepped over to the other track, where he was struck by a fast train approaching in the opposite direction.

The dead man was an uncle of Jerry Corecco the Reno wholesale liquor dealer. He was once a prosperous dairyman in Washoe Valley.

Large fresh Eastern oysters in bulk at Davey & Malish.

Stoves, Ranges, Heaters

All Styles Sizes and Prices

Ed. J. Walsn

Holiday Display of NECKTIES

and other gifts suitable for gentlemen
Agent for the Continental Tailors

We take your measure and guarantee a fit
Joe Platt "The Pioneer Clothier"
County Building

The Autumn Hunting



does not include footwear in its possibilities...With our large and varied line of Fall shoes of every description, the foot does not need to hunt for a shoe to fit it. The shoe you need is right here in our store. Give us the style you desire, number and width, and the rest is easy.

Ed. Burlington's
Exclusive Shoe Store

THE EMPORIUM'S

Suggestions for
Holiday Gifts

- | | |
|---------------------------------|-----------------------------|
| A Michaels Stern Suit | A pair of Silk Lined Gloves |
| An Overcoat | A Fine Black Hat |
| A Dress Suit Case | A Pfister Sweater |
| A Pair of warm Blankets | A Good Plush Cap |
| Six White Shirts | A Large Silk Muffler |
| Six Golf Shirts | A Fine Trunk |
| Six Initial Silk Handkerchiefs | A Suit of Wool Underwear |
| Six Initial Linen Handkerchiefs | A Pair of Moccasins |
| | A Pair of Fine Suspenders |
| | A Pair of Kid Gloves |

Last but not least a genuine Indian Basket

THE EMPORIUM

The Blue Front Phone forty-one
Carson City, Nev.

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5c
6c
10c
15c
20c
25c
35c
50c
75c
1.00

Handkerchiefs

F. W. DAY

Small Store

Small Profits.